

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 2, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 147, 1/26/2017; SB 153, 1/26/2017
Executive Action: SR 19-Be Adopted, SB 144-Do Pass As Amended,
HB 184-Motions Withdrawn

HEARING ON SB 147

Opening Statement by Sponsor:

00:00:59 Sen. Diane Sands (D), SD 49, opened the hearing on SB 147, Revise clean indoor air act laws to prohibit use of vapor products.

Proponents' Testimony:

00:02:24 Greg Holzman, physician, state medical officer, Department of Public Health and Human Services (DPHHS)

00:07:00 Kristin Page-Nei, American Cancer Society/Cancer Action Network (ACS)

[EXHIBIT\(jus24a01\)](#)

00:12:25 Amanda Cahill, American Heart Association

00:14:46 Bob Vogel, Montana School Boards Association; Montana School Administrators Association

00:15:52 Kris Minard, self, tobacco use prevention specialist, Office of Public Instruction (OPI)

00:18:16 Jean Branscum, CEO, Montana Medical Association

00:19:54 Jim Ahrens, Association of Montana Public Health Officials (AMPHO); also for Montana Public Health Association; Montana Environmental Health Association; American Cancer Society/Cancer Action Network; Montana Dental Association; also for Cindy Farr, Missoula

[EXHIBIT\(jus24a02\)](#)

[EXHIBIT\(jus24a03\)](#)

Opponents' Testimony:

00:24:03 Ron Marshall, Freedom Vapes, Bozeman

[EXHIBIT\(jus24a04\)](#)

[EXHIBIT\(jus24a05\)](#)

00:38:24 Daniel Fuchs, Triangle Public Affairs

[EXHIBIT\(jus24a06\)](#)

00:40:46 Cody Rea, self, Freedom Vapes, Bozeman

00:44:53 Keith Bowman, self, general manager, E Cig Vapor Juice Store

[EXHIBIT\(jus24a07\)](#)

[EXHIBIT\(jus24a08\)](#)

[EXHIBIT\(jus24a09\)](#)

[EXHIBIT\(jus24a10\)](#)

[EXHIBIT\(jus24a11\)](#)

[EXHIBIT\(jus24a12\)](#)

[EXHIBIT\(jus24a13\)](#)

[EXHIBIT\(jus24a14\)](#)

[EXHIBIT\(jus24a15\)](#)

00:52:04 Deanna Marshall, owner, Freedom Vapes (FV), Bozeman
[EXHIBIT\(jus24a16\)](#)

01:11:08 Ronnie Fredrick, self, Sammi's Smoke Shop
 01:17:59 Alex Davis, manager, Freedom Vapes, Bozeman
 01:20:31 Ron Melgren, self, Freedom Vapes, Bozeman

Informational Testimony:

01:22:08 Kate Cholewa, Montana Cannabis Association (MCA)

Questions from Committee Members and Responses:

01:23:14 Sen. Hinkle
 01:24:16 Ms. Cholewa, MCA
 01:26:28 Sen. Hinkle
 01:26:44 Ms. Page-Nei, ACS
 01:27:34 Sen. Hinkle
 01:27:40 Mr. Holzman, DPHHS
 01:29:03 Sen. Gross
 01:29:26 Mr. Holzman
 01:32:11 Sen. Gross
 01:32:34 Ms. Minard, OPI
 01:33:15 Sen. Fielder
 01:33:25 Ms. Minard
 01:35:40 Sen. Fielder
 01:37:01 Mr. Holzman
 01:38:50 Sen. Fielder
 01:39:41 Mr. Ahrens, AMPHO
 01:40:45 Sen. Hinkle
 01:41:25 Ms. Marshall, FV
 01:41:57 Sen. Hinkle
 01:42:24 Sen. Sands
 01:42:55 Sen. Vincent

Closing by Sponsor:

01:44:48 Sen. Sands

HEARING ON SB 153

Opening Statement by Sponsor:

01:49:27 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 153, Revise laws on strangulation of a partner or family member.

Proponents' Testimony:

01:52:22 Ole Olson, prosecutor, assistant attorney general, Department of Justice (DOJ),
also for Julie Pierce, Yellowstone County attorney, Billings

[EXHIBIT\(jus24a17\)](#)

[EXHIBIT\(jus24a18\)](#)

01:58:22 Jeff Sealey, self, deputy county attorney, Lewis and Clark County (L&CCO),
Helena

[EXHIBIT\(jus24a19\)](#)

02:05:01 Melinda Reed, self, director, Friendship Center

02:07:19 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

[EXHIBIT\(jus24a20\)](#)

[EXHIBIT\(jus24a21\)](#)

[EXHIBIT\(jus24a22\)](#)

02:12:26 Mark Murphy, Montana County Attorneys Association; Montana Association of
Chiefs of Police; Montana Police Protective Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:16:11 Sen. Fielder
02:16:30 Mr. Olson, DOJ
02:19:09 Chairman Regier
02:19:19 Mr. Olson
02:20:27 Sen. Vincent
02:21:43 Mr. Olson
02:25:21 Sen. Swandal
02:25:45 Mr. Sealey, L&CCO
02:27:21 Sen. Hinkle
02:28:23 Mr. Olson

Closing by Sponsor:

02:29:27 Sen. MacDonald

02:32:27 Brief Recess
02:37:57 Reconvene

EXECUTIVE ACTION ON SR 19

02:38:33 **Motion:** Sen. Fielder moved that **SR 19 BE ADOPTED.**

Discussion:

02:38:49 Sen. Swandal
02:38:56 Chairman Regier
02:39:02 Sen. Fielder
02:39:41 Chairman Regier

02:39:57 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 144

02:40:29 **Motion:** Sen. Fielder moved that **SB 44 DO PASS.**

Discussion:

02:41:26 Chairman Regier
02:41:43 Julianne Burkhardt, Legislative Services Division (LSD)

02:42:46 **Motion/Vote:** Sen. K. Regier moved that **SB 144 BE AMENDED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXHIBIT(jus24a23)

02:43:19 **Motion:** Sen. Fielder moved that **SB 144 DO PASS AS AMENDED.**

Discussion:

02:43:26 Sen. Sands
02:44:16 Chairman Regier
02:44:24 Sen. Fielder
02:45:17 Sen. Swandal
02:45:58 Sen. Gross
02:46:15 Ms. Burkhardt, LSD
02:46:26 Sen. MacDonald
02:47:09 Sen. Vincent
02:48:02 Chairman Regier
02:48:23 Sen. Gross

Sen. Sands absent from hearing room.

02:48:51 **Vote:** Motion carried 7-3 by roll call vote with Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Sands voted by proxy.

EXECUTIVE ACTION ON HB 184

02:49:46 **Motion:** Sen. Fielder moved that **HB 144 BE CONCURRED IN.**

02:50:15 **Motion:** Sen. Swandal moved that **HB 144 BE AMENDED.**
EXHIBIT(jus24a24)

Discussion:

02:50:59 Sen. Fielder
02:51:27 Sen. Swandal
02:52:54 Chairman Regier
02:53:20 Sen. MacDonald
02:53:45 Chairman Regier
02:53:53 Sen. Fielder
02:54:51 Chairman Regier
02:54:59 Sen. Vincent
02:55:20 Sen. Swandal
02:55:29 Sen. Vincent

02:55:33 Without objection, Sen. Swandal withdrew the BE AMENDED motion.

02:55:41 Without objection, Sen. Fielder withdrew the Be CONCURRED IN motion.

ADJOURNMENT

Adjournment: 11:58 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus24aad.pdf](#))